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**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: MPA - 206790

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on November 4, 2022, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Medicaid Services regarding Medical Assistance (MA), a hearing was held on January 10, 2023, by telephone. The hearing originally scheduled for December 28, 2022, was rescheduled for the ALJ to obtain clarification from the Department's Dental Consultant. The petitioner did not object to the reschedule.

The issue for determination is whether the petitioner's appeal of the denial of Endodontic Therapy on tooth #30 (PA # [REDACTED]) is moot.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, WI 53703

By: John Busby, DDS  
Division of Medicaid Services  
PO Box 309  
Madison, WI 53701-0309

**ADMINISTRATIVE LAW JUDGE:**

Jason M. Grace  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # ) is a resident of Dane County who receives BCP.

2. A prior authorization (PA) for Endodontic Therapy on tooth #2 was submitted on petitioner's behalf by her dental provider, Bright Dental Madison LLC. This was assigned PA # [REDACTED].
3. On October 3, 2022, the Department denied the PA.
4. Petitioner timely appealed.
5. A separate PA was submitted by petitioner's dental provider for Endodontic Therapy on tooth #30. This was assigned PA # [REDACTED].
6. Petitioner indicated that her dentist had received approval from the Department for the Endodontic Therapy on tooth #30.
7. In an email communication between the ALJ and the Department's Dental Consultant, it was confirmed that the Department had overturned the denial of PA # [REDACTED] and PA # [REDACTED] due to Special Needs issues.

### DISCUSSION

A matter is moot if the review sought cannot have a practical effect on the existing controversy. See *Racine v. J-T Enterp.*, 64 Wis. 2d 691, 702; 221 N.W. 2d 869, 875 (1974). Here, the petitioner was contesting the denial of the PA for the root canal of tooth #30. That issue is now moot as DMS has now approved the PA for the root canal.

### CONCLUSIONS OF LAW

That petitioner's appeal of the denial of the PA for Endodontic Therapy on tooth #30 (PA # [REDACTED]) is moot as the Department has now approved the requested treatment.

**THEREFORE, it is**

### ORDERED

That petitioner's appeal is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5<sup>th</sup> Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of

Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

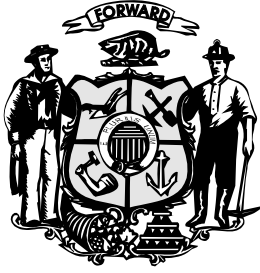
The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 12th day of January, 2023



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Jason M. Grace  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on January 12, 2023.

Division of Medicaid Services